

Press Release No. 949
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Mehlum a/Rhein
Tel: 3366

For Immediate Release

New HICOG Law Extends Jurisdiction of German Courts

U.S. High Commissioner Dr. James B. Conant last week signed a new HICOG law extending the jurisdiction of the German courts in the U.S. Zone which is expected to result in a substantial reduction, possibly as much as 40 per cent, in the present case load of the HICOG courts.

The new HICOG law is designed to bring the jurisdiction of the German courts more nearly in line with what it will be after the Contractual Agreements go into effect. The new law will become effective after it is printed in the official Allied High Commission Gazette, which is expected within the next ten days.

The German courts are given more jurisdiction in the trial of certain classes of criminal offenses which were formerly reserved for the HICOG courts. Also there are certain minor changes affecting the restrictions on the jurisdiction of German courts in civil cases.

The authorizations granted under the new law do not restrict the jurisdiction of the United States courts but in most instances these authorizations result in concurrent jurisdiction. U.S. policy will be to look to the German authorities to prosecute cases where German courts have jurisdiction and it is not anticipated that the concurrent jurisdiction of the U.S. courts will be invoked except where substantial considerations affecting an occupation interest exist. In criminal cases in which the defendant is a member of the Allied Forces, the HICOG courts will continue to have exclusive jurisdiction.

After the new law goes into effect, German courts will be authorized to try offenses against the property of members of the Allied Forces, such as thefts, wilful or malicious damages to property, etc. Under the old law, German courts were granted jurisdiction only if the property value or damage did not exceed \$100. The new law removes this limit and brings all such cases within the jurisdiction of the German courts.

In the case of offenses against property of the three occupation powers or their agencies, such as the European Exchange System or the Stars and Stripes, the limit is raised to \$500 and thefts or damages to property valued at less than this amount may be tried by the German courts.

The new law also withdraws the prohibition against prosecution in the German courts for violations of AHC Law No. 5, 22, and 24 which deal with Press and Radio, Atomic Energy, Control of War Materials, respectively. The German courts will still be barred from prosecuting offenses under AHC Law No. 14 (offenses against interests of the occupation) but they may prosecute under German law if the act is a violation of both laws. The trial of non-Germans for illegal border crossing under MG Law 161 continues to be reserved for Occupation courts if the persons charged claim to be political refugees.

In the field of traffic offenses, German courts will now be authorized to try German drivers of motor vehicles owned by the occupation powers for violations on charges arising out of the operation of such vehicle even on official duty.

The new law will supersede HICOG Law No. 6 and its various amendments and will codify all HICOG legislation affecting the jurisdiction of the German courts in a single law.

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

Information Division
Public Liaison Branch
Mehlen

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For Immediate Release

U.S. Personnel Authorized To Insure Cars With German Companies

The Office of the U.S. High Commissioner for Germany announced today the enactment of legislation (HICOG Ordinance No. 27 and HICOG Law No. 36) which will permit U.S. occupation personnel whose motor vehicles are registered with USAREUR to insure with German insurance companies.

The new laws will permit U.S. personnel to insure with companies now licensed by USAREUR in dollars, or with German companies in Deutsche Mark amounts as prescribed by German law.

At present the USAREUR-licensed companies sell only in dollar amounts; the minimum requirements of which are \$5,000 and \$10,000 personal liability, and \$5,000 property damage liability. Policies written for Deutsche Marks, pursuant to the new legislation, must conform to German law which requires a minimum of DM 10,000 for property damage, and DM 100,000 for personal liability.

Under the provisions of the new legislation, it will not be necessary for German insurance companies to be licensed by USAREUR in order to issue DM policies. HICOG authorities said, however, that there is no indication as yet that German insurance companies will enter this field.

If and when a German company signifies its intention of selling automobile liability insurance to U.S. personnel, its name will be added to the list of companies now selling insurance to U.S. personnel which are available at all vehicle registration offices.

The new legislation does not affect the present rights of USAREUR-licensed insurance companies to continue their dollar operations as in the past.

The new laws are in line with the provision of Article 17, Paragraph 7 of the Convention on the Rights and Obligations of the Foreign Forces and their Employees in the Federal Republic of Germany which requires that U.S. employees carry insurance of the "type and amount" prescribed by German law.

The new legislation increases the validity of driving licenses issued by USAREUR from three years to four years and also requires that accidents causing property damage of \$50 or over must be reported to the nearest Military Police post. The former limit for compulsory reporting was \$25.

It is understood that USAREUR directives will be amended in the near future to correspond with these changes in the laws.